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Date: 17 December 2007

/Lisa L Pringle/
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lance J. Gay, et al.
Serial No. : 10/005,786
Filed : November 8, 2001
For : SIMULTANEOUS VIEWING OF
VIDEO FILES ON NETWORKED
COMPUTER SYSTEMS
Group Art Unit : 2623
Examiner : Farzna E. Hossain
Attorney Docket No. : NG(MS)7265

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P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

This Reply Brief is in response to the Examiner's Answer dated October 17, 2007. This Reply Brief addresses the Examiner's Answer concerning the appealed claims 1-25.

I. Appealed Claims 5, 10, 15, 19 and 23

In the Appeal Brief filed April 4, 2007 ("Appeal Brief"), Applicant's representative argued that the claimed element "a command signal comprises a one byte command identification, wherein one bit of the one byte of the command identification comprises one of stop, play, forward of a video file and a pointer command" is clear and supported by the Specification (See Appeal Brief, Pages 11-12). The Examiner responded to Applicant's representative's arguments in the Examiner's Answer dated October 17, 2007 ("Examiner's Answer"), by stating the following:

The claim language is unclear such that the claim can be interpreted to be one bit comprises (sic) to be one of a stop command or a pointer command or one of a play command or a pointer command or one of a forward or a pointer command, etcetera (See Examiner's Answer, Page 19).

Thus, it appears that the Examiner is objecting to claims 5, 10, 15, 19 and 23 for being too broad (e.g., reading on too many combinations). Applicant's representative respectfully submits that breath of the claims is not grounds for an objection. Accordingly, Applicant's representative respectfully requests that the objection to claims 5, 10, 15, 19 and 23 be withdrawn.

II. Appealed Claim 1

In the Appeal Brief, Applicant's representative argued that U.S. Patent No. 5,867,156 to Beard, et al. ("Beard") taken in view of U.S. Patent No. 5,808,662 to Kinney, et al. ("Kinney") fails to teach or suggest "broadcasting a command signal from a first location to a second location and performing, at the first location and the second location, a control operation in response to receipt of the command signal," as recited in claim 1 (See Appeal Brief, Pages 12-14). In particular, Applicant's representative argued that in Beard, two separate commands are required for synchronization between a host and a guest, namely, a REQUEST TO SYNC and a SYNC TO POINT command. In response, the Examiner stated:

[t]he commands can be titled SYNC TO POINT and REQUEST TO SYNC, but a command to move the cursor is sent and performed and is therefore the same command. The changing of a header or

descriptor or title of a command, which is to move the cursor or move the point, is not changing the command; the command remains the same (See Examiner's Answer, Page 21).

Applicant's representative respectfully disagrees. In Beard, an application sharing guest application (ASGA) 38 (e.g., "guest") issues the REQUEST TO SYNC message 56 to an application sharing host application (ASHA) 37 (e.g., "host"), and the host issues a SYNC TO POINT command to all of the guests (See Beard, Col. 6, Lines 49-56). Nothing in Beard would teach or suggest that the REQUEST TO SYNC and the SYNC TO POINT commands are the same command, as contended by the Examiner. Clearly, in Beard, the SYNC TO POINT command is sent by the host in response to the host receiving the REQUEST TO SYNC command. Applicant's representative respectfully submits that such a situation is analogous to an erroneous assertion that a "REQUEST FOR ACCESS" command and a "GRANT OF ACCESS" command are the same command, which clearly they are not.

Additionally, claim 1 recites performing, at a first location (that broadcast the command) and a second location a control operation in response to receipt of the command signal. That is, in claim 1, the same control operation is performed at both the first and second locations. Thus, Applicant's representative argued that even if the SYNC TO POINT and the REQUEST TO SYNC commands are considered to be the same command, that Beard taken in view of Kinney still fails to make claim 1 obvious since Beard fails to teach or suggest that a SYNC TO POINT command is ever executed on a host (which the Examiner contends correspond to the first location). In response the Examiner stated:

Fig. 4B discloses that the host viewport can be the entire display surface or a portion (Column 5, lines 32-35); therefore, the host does not see the entire viewable area and guests need to stay "in sync" with the host (See Examiner's Answer, Page 21).

Applicant's representative respectfully submits that the Examiner has misinterpreted FIG. 4B and Col. 5, Lines 32-35 of Beard. FIG. 4B of Beard illustrates a guest monitor 39 (e.g., not the host monitor). Applicant's representative respectfully submits that FIG. 4B of Beard fails to disclose anything that would indicate that a host does not see the entire viewable area as contended by the examiner. Moreover, the cited section of Beard discloses that a host viewport 47

(illustrated in FIG. 4A) can be the entire display surface of a host monitor 36 or some portion thereof. In contrast to the contentions of the Examiner, the cited section of Beard does not indicate that the host monitor 36 only displays a portion of the area viewable by guests. Instead, the cited section of Beard merely indicates that the area viewable by guests need not encompass the entire host monitor 36 (e.g., a window in the host monitor 36). Accordingly, Applicant's representative respectfully submits that the Examiner has erred in interpreting the teachings of Beard. In fact, Applicant's representative maintains that nothing in Beard teaches or suggests that the SYNC TO POINT command disclosed in Beard is ever executed on the host. Thus, Applicant's representative respectfully submits that the Examiner has not established a *prima facie* case of obviousness with respect to claim 1. Therefore, withdrawal of the rejection of claim 1 is respectfully requested.

III. Appealed Claims 8, 13, 18 and 22

In the Appeal Brief, Applicant's representative argued that Beard taken in view of Kinney fails to teach or suggest the methodologies (claims 8 and 13) or the computer readable medium (claims 18 and 22) recited in claims 8, 13, 18 and 22. Similarly to claim 1, in claims 8, 13, 18 and 22 the same command signal is sent from a second entity (namely, a second system, as recited in claims 8 and 13, a second computer system, as recited in claim 18 and a computer system, as recited in claim 22) to a first entity (namely, a first system, as recited in claims 8 and 13, a first computer system, as recited in claim 18 and another computer system, as recited in claim 22), that is broadcast from the first entity to the second entity. Conversely, as discussed above with respect to claim 1, in Beard, two distinctly different commands, namely a REQUEST TO SYNC command and a SYNC TO POINT command are employed in a synchronization process taught in Beard.

Additionally, similarly to claim 1, in claims 8, 13, 18 and 22, the same operation (which corresponds to the command signal) is performed at the first entity and the second entity. Thus, Applicant's representative submitted that even if the REQUEST TO SYNC and SYNC TO POINT commands disclosed in Beard are considered to be the same command, Beard taken in view of Kinney still fails to teach or suggest claims 8, 13, 18 and 22 since Beard fails to teach or suggest that

the SYNC TO POINT command is ever executed on the host. In response, the Examiner stated:

Fig. 4B discloses that the host viewport can be the entire display surface or a portion (Column 5, lines 32-35); therefore, the host does not see the entire viewable area and guests need to stay "in sync" with the host (See Examiner's Answer, Page 25).

As stated above with respect to claim 1, the cited section of Beard (Col. 5, lines 32-35) does not indicate that the host monitor 36 only displays a portion of the area viewable by guests. Instead, the cited section of Beard merely indicates that the area viewable by guests need not encompass the entire host monitor 36 (e.g., a window of the host monitor 36). Accordingly, Applicant's representative respectfully submits that the Examiner has erred in interpreting the teachings of Beard. In fact, Applicant's representative maintains that nothing in Beard teaches or suggests that the SYNC TO POINT command disclosed in Beard is ever executed on the host. Thus, Applicant's representative respectfully submits that the Examiner has not established a *prima facie* case of obviousness with respect to claims 8, 13, 18 and 22. Therefore, withdrawal of the rejection of claims 8, 13, 18 and 22 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, Applicant's representative respectfully submits that the present application is in condition for allowance. Applicant's representative respectfully requests reconsideration of this application and that the application be passed to issue.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,

Date 17 December 2007

/Christopher P Harris/

Christopher P. Harris
Registration No. 43,660

CUSTOMER No.: 26,294

TAROLLI, SUNDHEIM, COVELL, & TUMMINO L.L.P.

1300 EAST NINTH STREET, SUITE 1700

CLEVELAND, OHIO 44114

Phone: (216) 621-2234

Fax: (216) 621-4072